

VOLUNTARY PATERNITY
For Petitioner Only OR
Petitioner AND Respondent

1

To Get The Court Order

Part 1: Completing and Filing
the Court Papers

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SELF-SERVICE CENTER

VOLUNTARY PATERNITY -- NO ORDER OF CHILD CUSTODY, VISITATION, SUPPORT

PETITIONER ONLY OR PETITIONER AND RESPONDENT

This packet contains court forms and instructions to file a Voluntary Petition with the court to establish paternity, but not for an order of child custody, visitation, and support. Be sure the documents are in the following order.

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3	DRFC10f	<i>"Family Court Cover Sheet"</i>	2
4	DRVP11i	<i>"Instructions for Completing a Voluntary Petition for an Order of Paternity"</i> (and what to do after completing the forms)	2
5	DRVP11f	<i>"Voluntary Petition for Paternity Order"</i>	2
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SELF-SERVICE CENTER
PETITION AND PAPERS FOR VOLUNTARY PATERNITY
CHECKLIST

Use the forms and instructions in this packet only if the following factors apply to your situation:

- ✓ You are the biological parents of a child(ren) born out of wedlock, which means
 - the mother was not married at the time of the birth, **AND**
 - the mother was not married at any time during the ten months immediately preceding the birth, **AND**
- ✓ You both AGREE on who the father is (or at least you both agree to be bound by the test results), **AND**
- ✓ You want a court order establishing paternity for the child(ren), **AND** You have one of the following:
 - Affidavit of Acknowledgment – an agreement with the notarized signatures of BOTH parents telling the Court that you both AGREE that the man named as father in the agreement and signing the papers IS the father of the child(ren) named in the agreement (affidavit). **OR**
 - Genetic Testing -- both parents agree to be bound by the results of genetic testing, and you have a copy of the test results showing that the individual named as the father has not been excluded as the natural father, **AND**
- ✓ You do not want a court order about child custody, visitation, and support at this time.

DO NOT USE THESE FORMS IF:

- ✓ There is already an Arizona child support order concerning the children in this case.
- ✓ The father's name is already listed on an Arizona birth certificate issued since 1996 as a result of both father and mother signing an affidavit of paternity in the hospital at the time the child was born or at any time afterwards.

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing. The Self-Service Center has a list of lawyers who can give you legal advice and can help you on a task-by-task basis for a fee. If you want to know more about our list of lawyers and our list of mediators, ask the Self-Service Center staff.

Superior Court of Arizona
Maricopa County
Family Court Cover Sheet

For Use *WITH* Minor Children

Check only one:

- ☐ **Dissolution (Divorce)**
☐ **Legal Separation**
☐ **Annulment**
☐ **Order of Protection**
☐ **Paternity**
☐* **Custody/Visitation**
☐* **Child Support**
☐ **Other** _____

* Check only if no other category applies

**Case Number (Clerk will stamp
case # when documents are filed)**

ATLAS number(s): (if applicable)

Instructions:

- You must provide the following information about yourself and the other party.
- Type or print neatly in black ink.
- If more room is needed for children or Petitioner/Respondent, please attach a separate page.

Information About the Petitioner:

Name: _____

Address: _____

City, State, Zip: _____

Home phone #: (____) _____

Work phone number: (____) _____

Cell phone/pager: (____) _____

Date of Birth: _____

Social Security _____

E-mail address: _____

Information About the Respondent:

Name: _____

Address: _____

City, State, Zip: _____

Home phone #: (____) _____

Work phone number: (____) _____

Cell phone/pager: (____) _____

Date of Birth: _____

Social Security#: _____

E-mail address: _____

Lawyer's Name and Bar Number: _____
(Provide this information only if YOU have an attorney)

Names, Dates of Birth, and Social Security Numbers for Minor Children Involved:		
Name:	DOB:	SSN:
Name:	DOB:	SSN:
Name:	DOB:	SSN:
Name:	DOB:	SSN:

Names and D/O/B's of any OTHER minor children of the petitioner and/or the respondent, who are NOT involved in this case: _____

Have there been any other cases (EXCLUDING minor traffic offenses) in any court involving members of this family? Yes No. If yes, please describe, and provide case numbers if known: _____

Domestic Violence Section

Is anyone mentioned on this cover sheet currently a victim of any family or domestic violence?

☐ Yes ☐ No

Has anyone listed on this cover sheet been the plaintiff, defendant, or named in a petition for an Order of Protection? ☐ Yes ☐ No

If Yes, please identify:

Was the Order of Protection granted by the Maricopa County Superior Court?

☐ Yes ☐ No

If No, in what court was the Order of Protection granted? _____

Children's Issues Section

Are any of the children named above in any physical danger due to abuse or neglect?

☐ Yes ☐ No

Has anyone named on this sheet had any involvement with Child Protective Services in Arizona?

☐ Yes ☐ No

If Yes, please provide the CPS or Juvenile Court case number: _____

INTERPRETER: Is an interpreter needed for either of the parties? If so, please check the appropriate boxes below. **NOTE: THIS IS NOT A REQUEST FOR AN INTERPRETER, THIS INFORMATION IS TO BE USED FOR INTERNAL PURPOSES ONLY.**

☐ Petitioner ☐ Respondent Language: ☐ Spanish ☐ Other _____

LOCATION (Check the Superior Court location where you are filing these documents):

☐ Downtown Phoenix (201 W. Jefferson St.) ☐ Northeast Phoenix (18380 N. 40th St.)

☐ Southeast Regional (222 E. Javelina, Mesa) ☐ Northwest Regional (14284 W. Tierra Buena, Surprise)

SELF-SERVICE CENTER

INSTRUCTIONS FOR COMPLETING A VOLUNTARY PETITION FOR AN ORDER OF PATERNITY

TO COMPLETE THIS FORM AND FILE THE PETITION YOU WILL NEED:

- The complete name and social security number (if established) for each parent, and the date and place of birth of the father.
- You might also need other documents as described in Item 6 on next page.

1st Form: **FAMILY COURT COVER SHEET**

TYPE OR PRINT NEATLY USING BLACK INK ONLY.

Case Type: Check only one box that matches the legal procedure for which you are filing the documents in this packet: [x] Paternity.

Information about the Petitioner, the person filing these papers: Write in the information requested in the space provided. If you do not have a cell phone or email address, leave those spaces blank. If your address and telephone numbers are protected, write "Protected"; you do not need to fill in this information. However, you must let the Clerk of the Court know how to reach you. If a lawyer represents you, the Petitioner, you must also write in the lawyer's name and bar number.

Information about the Respondent, other party: Write in the information requested for the Respondent. If some of the information requested does not apply, leave those spaces blank, otherwise fill in all spaces for which you know or can find the requested information.

Minor Children Involved: List the names, dates of birth, and social security numbers for any minor children involved in this specific case.

Other Minor Children: If there are other children of either the Petitioner or the Respondent or both not involved with this case, list their names on the lines provided.

Other court cases: Check the appropriate box to tell this Court if either you or your spouse have been involved in any other cases, except a minor traffic offense, in any other court. If you check the Yes box, please describe the case, including case numbers and court location.

Domestic Violence Section: Answer the questions listed regarding domestic violence. This information will help court staff determine if this issue is relevant to this case.

Children's Issues Section: Answer the questions regarding the children you listed on the Family Court Cover Sheet. This information will help court staff determine if these issues are relevant to this case, and/or whether a case exists in this Court already regarding any child you listed.

Location: Check the box to indicate at which courthouse location you are filing these documents: Downtown Phoenix, Mesa, or Surprise.

2nd Form: **VOLUNTARY PETITION FOR ORDER OF PATERNITY**

FOLLOW THESE INSTRUCTIONS NUMBERED TO MATCH THE IDENTIFYING NUMBERS ON THE FORM. TYPE OR PRINT NEATLY USING BLACK INK ONLY.

- (1) Fill in the name, address, and phone number of the person filing the form.
- (2) List the name of the parent who is filing this document on the line for Petitioner and the other parent's name on the line for Respondent.
- (3) Leave this item blank. The Court will provide the case number.
- (4) Fill in the ATLAS number IF one has been assigned; if none, leave blank.

- (5) List the name(s) of the child(ren) for whom you want the Court to issue an Order of Paternity. If you need to list more children, write in "Continued on next page." Attach page and label that continued section: "Parents request Paternity Order for:" and list the children's name, date of birth, and place of birth in the same manner as in #5 on the first page.
- (6) Mark the one box that applies to your request.
- **Affidavit of Acknowledgment** -- Mark this box if both parents are signing this Request to tell the Court that you both agree that the man named as father on this request IS the father.
 - **Genetic Testing** -- Mark this box if both parents agree to be bound by the results of genetic testing, and you have a copy of the test results showing that the individual named as the father has not been excluded as the natural father.
- (7) IF you want to change the child(ren)'s name(s) on the birth certificates (to add the father's last name or other reason), list the current name on the left and list the desired new name on the right. If you need more lines, write in "Continued on next page," attach page and label the continued section "Parents request name change" and list the children just as in #6 on the first (old name on left, new name on right).
- (8) Fill in the information requested for the mother of the children. If the mother does not have a Social Security Number, leave that line blank or write "None".
- (9) Fill in the information requested for the natural father of the children including where the father was born (city, state, and country). If the father does not have a Social Security Number, leave that line blank or write "None".

**SIGNING THIS FORM CREATES RIGHTS AND RESPONSIBILITIES FOR BOTH PARENTS.
READ THE "IMPORTANT NOTICE" BEFORE SIGNING.**

- (10) The natural mother AND father must sign on this line in front of a notary public or Clerk of Court. By signing this form, you are telling the Court that the information on the form is true and correct to the best of your knowledge, under penalty of law.

WHEN YOU HAVE COMPLETED THIS FORM: Complete an "**Order of Paternity**" form.
(See separate instructions page for that one page form).

WHEN YOU HAVE COMPLETED ALL FORMS:

- Make one copy of the "**Voluntary Petition for Order of Paternity**," one copy of the "**Order of Paternity**," and one copy of any necessary attachments (such as a lab report).*
 - Separate your documents into two sets: one set of originals and one set of copies.
 - The **ORIGINALS** should include: (1) "Family Court Cover Sheet," (1) "Voluntary Petition," (1) "Order of Paternity," **AND** one lab report.*
 - The **COPY** set requires only: "(1)"Voluntary Petition," (1)"Order of Paternity," and (1) lab report.*
- * The Lab Report is only necessary if you checked the box for "Genetic Testing" in #6.
- Take the forms and any necessary attachments to the Office of the Clerk of the Superior Court at any of the four (4) Maricopa County courthouse locations:
- Downtown Phoenix, 201 West Jefferson, Phoenix, Arizona
 - Northeast Phoenix, 18380 North 40th Street, Phoenix, Arizona
 - Southeast Court, 222 East Javelina Drive, Mesa, Arizona
 - Northwest Court, 14264 West Tierra Buena Lane, Surprise, Arizona
- Pay the filing fee of **\$271.00** If you cannot pay the fee, you may ask the Clerk's Office or the Self Service Center for the forms to apply for a deferral (delayed payment plan).
 - Give both the Originals and the Copies to the Clerk.

The Clerk will stamp and sign the original and the copy of the Paternity Order and return the copy to you. The Clerk will also forward a copy of the Order of Paternity to the Arizona Department of Vital Records where they will enter the new information on the birth certificate (and to the Attorney General's office as well). Certified copies of the Order and the new birth certificate may be obtained for an additional fee.

(1) Person Filing: _____
 Mailing Address: _____
 City, State, Zip Code: _____
 Daytime / Evening Phone: _____ / _____
 Person Filing is ☐ Self (Without an Attorney) or
 Attorney for ☐ Father ☐ Mother
 (If Attorney) State Bar No.: _____ Attorney Phone: _____

SUPERIOR COURT of ARIZONA IN MARICOPA COUNTY

(2) _____
 (Petitioner)

(3) Case No. _____

(4) ATLAS No. _____

 (Respondent)

VOLUNTARY PETITION FOR ORDER OF PATERNITY A.R.S. § 25-812

The parent(s) requests the Clerk issue an Order establishing paternity for the following child(ren):

(5) Full Name on Birth Certificate	Date of Birth	Place of Birth (City, County, State)
_____	_____	_____
_____	_____	_____
_____	_____	_____

The natural mother of the child(ren) was not married when the child(ren) were born or at any time throughout the ten months immediately preceding such birth.

(6) This request is based on; (Mark one box only)

- ☐ **Affidavit of Acknowledgment:** By signing this, we agree and acknowledge that _____
 _____ is the natural father of the child(ren) named above.
- ☐ **Genetic Testing and Laboratory Affidavit:** Attached is an affidavit from a certified laboratory indicating that _____ has not been excluded as the natural father of the child(ren) and we agree to be bound by the results of this genetic test.

Both parties must sign this form or attached notarized affidavit to change

(7) The parents request the Office of Vital Records amend the birth certificate(s) changing the child(ren)'s name(s) from: _____ to: _____

(8) Mother's Full Name _____ Date of Birth _____
 Social Security No. _____ Maiden Name _____

(9) Father's Full Name _____ Date of Birth _____
 Social Security No. _____ Birthplace (City, State, Country) _____

Case no. _____

**IMPORTANT NOTICE!
READ THIS BEFORE YOU SIGN:**

Arizona state law requires that before voluntarily acknowledging paternity, you be given notice of the alternatives to, the legal consequences of, and the rights and responsibilities that result. Here are some of the things you should know.

- No one is required to voluntarily acknowledge paternity,
- You have the right to seek legal advice before signing this document, and
- If you are unsure who the father is, an alternative is to have genetic testing done.

After you have agreed to voluntarily acknowledge paternity, the Clerk of the Court will issue an order legally establishing the father. This order is the same as a judgment of the superior Court. After the order is issued, both parents will have all the rights and responsibilities of parents as required under Arizona law. This order does not decide issues about child support, parenting time (visitation) or custody. However, the order includes a statement of Arizona law that the parent with whom the child has resided for the greater part of the last six months shall have legal custody, unless otherwise ordered by the Court.

Arizona Law allows either parent to rescind the acknowledgment of paternity if certain requirements are met. You may have up to sixty days to do this. See § 25-812(H) of the Arizona Revised Statutes.

Do not sign this form until you are before the Clerk or Notary Public.

Date _____

(10) Mother's Signature

State of Arizona)
)ss.
County of _____)

Acknowledged before me on: _____

My Commission Expires: _____

Notary Public or Clerk of the Superior Court

Date _____

(10) Father's Signature

State of Arizona)
)ss.
County of _____)

Acknowledged before me on: _____

My Commission Expires:

Notary Public or Clerk of the Superior Court

SELF-SERVICE CENTER

INSTRUCTIONS FOR COMPLETING AN ORDER OF PATERNITY

TO COMPLETE THIS ORDER YOU WILL NEED:

- A copy of your *"Voluntary Petition for Order of Paternity"*.

FOLLOW THESE INSTRUCTIONS NUMBERED TO MATCH THE IDENTIFYING NUMBERS ON THE FORM. TYPE OR PRINT NEATLY USING BLACK INK.

- (1) Write in the name of the person filing the form.
Write in the name of the other parent on the line below.
- (2) Leave this line blank. The Clerk's Office will supply the case number.
- (3) Fill in the ATLAS number IF one has been assigned; if none, leave blank.
- (4) For each child, fill in the name, date of birth, place of birth, as listed in Item 5 of the Request.
- (5) Fill in the name, social security number and other requested information for the natural mother as listed in Item 8 of the *"Voluntary Petition for Order of Paternity"*.
- (6) Fill in the name, social security number, date of birth, and place of birth of the natural father.
- (7) If you want to change the legal name(s) of the child(ren) who are involved in this case because of this paternity order, enter the new last name you want to appear on the amended birth certificate(s).

Leave the rest of the form blank. The Clerk will sign and date the Order and return a copy to you. You may obtain a *certified copy* of the Order for a fee.

OBTAINING A COPY OF A NEW ARIZONA BIRTH CERTIFICATE:

Arizona birth certificates are maintained by the Office of Vital Records, Department of Health Services, 1818 W. Adams Street, Phoenix, AZ 85007 (P. O. Box 3887, Phoenix, AZ 85030).

For detailed information, see the Vital Records web site at <http://www.hs.state.az.us/vitalrcd/>

If you want a copy of the **NEW** Arizona birth certificate, allow three to six weeks for the change to be processed. Then, contact the Office of Vital Records (Telephone (602) 364-1300). They will prepare the new certificate upon all of the following:

- request
- payment of a fee, and
- presentation of personal identification. (It is helpful to have a copy of the **Order of Paternity** with you.)
- Records may also be ordered online at www.vitalchek.com

For births since 1997, birth certificates may also be obtained from the Maricopa County Office of Vital Statistics at 1825 E Roosevelt Road, Phoenix. Call (602) 506-6805 for information.

NOTE: After a Paternity Order is issued, either parent may file a request for Visitation, Custody, or Support. IF that request is filed within 90 days after the Paternity Order is issued, and in the same county, there is no additional filing fee. (A.R.S. 25-812(c))

SUPERIOR COURT of ARIZONA IN MARICOPA COUNTY

(1) _____
Person Filing (Petitioner)

(2) Case No. _____

(3) ATLAS No. _____

Other Parent (Respondent)

ORDER OF PATERNITY

A.R.S. § 25-812

Based on the Request filed, for the children whose names appear on birth certificates as:

(4)	First	Middle	Last
(a)			
(b)			
(c)			

who were born on this date and at this place: (List in same order as above)

	Month/ Day /Year	City, State, Nation of Birth
(a)		
(b)		
(c)		

(5) whose natural mother is: (Mother's name as listed on *child(ren)*'s birth certificate(s))

First	Middle	Last
Month/Day/Year of Birth	Social Security Number (if any)	Maiden Name:

The mother was not been legally married when the child(ren) were born or at any time during the 10 months before birth.

IT IS ORDERED, that the biological father of the above named children is:

(6) (Father's LEGAL name (as listed on *his own* birth certificate))

First	Middle	Last
Month / Day / Year of Birth	Social Security Number (if any)	City State, Nation of Birth

Case No. _____

(7) FOR ANY CHILDREN BORN IN THE STATE OF THE ARIZONA, THE CLERK OF COURT SHALL FORWARD A COPY OF THIS ORDER TO THE OFFICE OF VITAL RECORDS, WHICH IS ORDERED TO AMEND THE BIRTH CERTIFICATE(S) AS FOLLOWS:

- ☐ The father's name shall be entered on the child's birth certificate.
☐ The child or children's last name shall be changed to: _____

This Order is a judgment of the Superior Court. Pursuant to A.R.S. § 25-803(D), the parent with whom the child has resided for the greater part of the last six months has legal custody of the child unless otherwise ordered by the Court. Pursuant to A.R.S. § 25-501, this Order of Paternity imposes a duty of support and also provides a basis for determining issues related to custody and visitation and affords the parents all rights and responsibilities provided by Arizona law (A.R.S. § 25-803(C)).

Dated: _____

Clerk of the Court, Judicial Officer, or Court Designee

For Court Use Only.

Copy mailed on: _____ To: ☐ Corrections Unit, Office of Vital Records ☐ IV-D Agency